



# Journal of the House

State of Indiana

114th General Assembly

First Regular Session

Twenty-fifth Meeting Day

Tuesday Morning

March 1, 2005

The House convened at 9:00 a.m. with the Speaker in the Chair.

The invocation was offered by Reverend Larry Marhanka, United Methodist Church, Batesville, the guest of Representative Cleo R. Duncan.

The Pledge of Allegiance to the Flag was led by Boy Scout Troop 419 of Fort Wayne, the guests of Representative Phyllis J. Pond.

The Speaker ordered the roll of the House to be called:

T. Adams	Klinker
Aguilera	Koch
Alderman	Kromkowski
Austin	Kuzman
Avery	L. Lawson
Ayres	Lehe
Bardon	Leonard
Bauer	J. Lutz
Becker	Mahern
Behning <input type="checkbox"/>	Mays
Bischoff	McClain
Borders	Messer
Borror	Micon
Bottorff	Moses
Bright <input type="checkbox"/>	Murphy
C. Brown	Neese
T. Brown	Noe
Buck	Orentlicher
Budak	Oxley
Buell	Pelath
Burton	Pflum
Cheney	Pierce
Cherry	Pond
Cochran	Porter
Crawford	Reske
Crooks	Richardson
Davis	Ripley
Day <input type="checkbox"/>	Robertson
Denbo	Ruppel
Dickinson <input type="checkbox"/>	Saunders
Dobis	J. Smith
Dodge	V. Smith
Duncan	Stevenson
Dvorak	Stilwell
Espich	Stutzman
Foley	Summers <input type="checkbox"/>
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta	Torr
Goodin	Turner
Grubb	Ulmer
Gutwein	VanHaaften
E. Harris	Walorski
T. Harris	Welch
Heim	Whetstone
Hinkle	Wolkins
Hoffman	Woodruff
Hoy	Yount <input type="checkbox"/>
Kersey	Mr. Speaker

Roll Call 228: 94 present; 3 excused; 3 absent. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused; ☐ indicates those who were absent.]

The House recessed until the fall of the gavel to allow the minority party to caucus.

## RECESS

The House reconvened at 11:15 a.m. with the Speaker in the Chair.

Representatives Behning and Bright, who had been excused, were present.

## ENGROSSED HOUSE BILLS ON THIRD READING

Representative Pelath rose to a point of order suggesting the absence of a quorum and requesting a quorum call.

The Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. The roll showed 53 members present; the Speaker ordered the absentees to be called. A quorum was still not present.

Because of the lack of a quorum, the House recessed until the fall of the gavel.

## RECESS

The House reconvened at 12 noon with the Speaker in the Chair.



The roll was still open and showed 53 members present. The absentees were called.

The Speaker announced that the roll would remain open to allow additional members to indicate their presence.

At 12:40 p.m. the Speaker ordered the roll to be tallied:

T. Adams <input type="checkbox"/>	Day <input type="checkbox"/>
Aguilera <input type="checkbox"/>	Denbo
Alderman	Dickinson <input type="checkbox"/>
Austin <input type="checkbox"/>	Dobis
Avery <input type="checkbox"/>	Dodge
Ayres	Duncan
Bardon <input type="checkbox"/>	Dvorak <input type="checkbox"/>
Bauer <input type="checkbox"/>	Espich
Becker	Foley
Behning	Friend
Bischoff <input type="checkbox"/>	Frizzell
Borders	Fry <input type="checkbox"/>
Borror	GiaQuinta <input type="checkbox"/>
Bottorff <input type="checkbox"/>	Goodin <input type="checkbox"/>
Bright	Grubb <input type="checkbox"/>
C. Brown <input type="checkbox"/>	Gutwein
T. Brown	E. Harris <input type="checkbox"/>
Buck	T. Harris
Budak	Heim
Buell	Hinkle
Burton	Hoffman
Cheney <input type="checkbox"/>	Hoy <input type="checkbox"/>
Cherry	Kersey <input type="checkbox"/>
Cochran <input type="checkbox"/>	Klinker <input type="checkbox"/>
Crawford <input type="checkbox"/>	Koch
Crooks <input type="checkbox"/>	Kromkowski <input type="checkbox"/>
Davis	Kuzman <input type="checkbox"/>

L. Lawson	Robertson
Lehe	Ruppel
Leonard	Saunders
J. Lutz	J. Smith
Mahern	V. Smith
Mays	Stevenson
McClain	Stilwell
Messer	Stutzman
Micon	Summers
Moses	Thomas
Murphy	Thompson
Neese	Tincher
Noe	Torr
Orentlicher	Turner
Oxley	Ulmer
Pelath	VanHaaften
Pflum	Walorski
Pierce	Welch
Pond	Whetstone
Porter	Wolkins
Reske	Woodruff
Richardson	Yount
Ripley	Mr. Speaker

Roll Call 229: 54 present; 1 excused; 45 absent. The Speaker announced a quorum was not in attendance. [NOTE:  indicates those who were excused;  indicates those who were absent.]

Because of the lack of a quorum, the House recessed until the fall of the gavel.

## RECESS

The House reconvened at 3:10 p.m. with the Speaker in the Chair.

### ENGROSSED HOUSE BILLS ON THIRD READING

Representative Pelath rose to a point of order suggesting the absence of a quorum and requesting a quorum call.



The Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. A quorum was not present. The Speaker ordered the absentees to be called.

The Speaker announced that the roll would remain open to allow additional members to indicate their presence.

At 3:50 p.m. the Speaker ordered the roll to be tallied:

T. Adams	Crawford
Aguilera	Crooks
Alderman	Davis
Austin	Day
Avery	Denbo
Ayres	Dickinson
Bardon	Dobis
Bauer	Dodge
Becker	Duncan
Behning	Dvorak
Bischoff	Espich
Borders	Foley
Borror	Friend
Bottorff	Frizzell
Bright	Fry
C. Brown	GiaQuinta
T. Brown	Goodin
Buck	Grubb
Budak	Gutwein
Buell	E. Harris
Burton	T. Harris
Cheney	Heim
Cherry	Hinkle
Cochran	Hoffman

Hoy	Reske
Kersey	Richardson
Klinker	Ripley
Koch	Robertson
Kromkowski	Ruppel
Kuzman	Saunders
L. Lawson	J. Smith
Lehe	V. Smith
Leonard	Stevenson
J. Lutz	Stilwell
Mahern	Stutzman
Mays	Summers
McClain	Thomas
Messer	Thompson
Micon	Tincher
Moses	Torr
Murphy	Turner
Neese	Ulmer
Noe	VanHaaften
Orentlicher	Walorski
Oxley	Welch
Pelath	Whetstone
Pflum	Wolkins
Pierce	Woodruff
Pond	Yount
Porter	Mr. Speaker

Roll Call 230: 53 present; 1 excused; 46 absent. The Speaker announced a quorum was not in attendance. [NOTE:  indicates those who were excused;  indicates those who were absent.]

Because of the lack of a quorum, the House recessed until the fall of the gavel.

## RECESS

The House reconvened at 5:00 p.m. with the Speaker in the Chair.

### ENGROSSED HOUSE BILLS ON THIRD READING

Representative Dobis rose to a point of order suggesting the absence of a quorum and requesting a quorum call.

The Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. A quorum was not present. The Speaker ordered the absentees to be called.

The Speaker announced that the roll would remain open to allow additional members to indicate their presence.

At 5:40 p.m. the Speaker ordered the roll to be tallied:

T. Adams	Cochran
Aguilera	Crawford
Alderman	Crooks
Austin	Davis
Avery	Day
Ayres	Denbo
Bardon	Dickinson
Bauer	Dobis
Becker	Dodge
Behning	Duncan
Bischoff	Dvorak
Borders	Espich
Borror	Foley
Bottorff	Friend
Bright	Frizzell
C. Brown	Fry
T. Brown	GiaQuinta
Buck	Goodin
Budak	Grubb
Buell	Gutwein
Burton	E. Harris
Cheney	T. Harris
Cherry	Heim

Hinkle	Porter	■
Hoffman	Reske	■
Hoy	Richardson	
Kersey	Ripley	
Klinker	Robertson	■
Koch	Ruppel	
Kromkowski	Saunders	
Kuzman	J. Smith	
L. Lawson	V. Smith	■
Lehe	Stevenson	■
Leonard	Stilwell	■
J. Lutz	Stutzman	
Mahern	Summers	■
Mays	Thomas	
McClain	Thompson	
Messer	Tincher	■
Micon	Torr	
Moses	Turner	
Murphy	Ulmer	
Neese	VanHaaften	■
Noe	Walorski	
Orentlicher	Welch	■
Oxley	Whetstone	
Pelath	Wolkins	
Pflum	Woodruff	
Pierce	Yount	▲
Pond	Mr. Speaker	

Roll Call 231: 53 present; 1 excused; 46 absent. The Speaker announced a quorum was not in attendance. [NOTE: ▲ indicates those who were excused; ■ indicates those who were absent.]

Because of the lack of a quorum, the House recessed until the fall of the gavel.

## RECESS

The House reconvened at 6:00 p.m. with the Speaker Pro Tempore, Representative Turner, in the Chair.

## ENGROSSED HOUSE BILLS ON THIRD READING

Representative Dobis rose to a point of order suggesting the absence of a quorum and requesting a quorum call.

The Chair ordered the roll of the House to be called to determine the presence or absence of a quorum.

On the motion of Representative Espich, the absentees were called. The roll showed 53 members present; a quorum was not present.

The Chair announced that the roll would remain open to allow additional members to indicate their presence.

Because of the lack of a quorum, the House recessed until the fall of the gavel.

## RECESS

The House reconvened at 8:05 p.m. with the Speaker in the Chair.

## ENGROSSED HOUSE BILLS ON THIRD READING

Representative Pelath rose to a point of order suggesting the absence of a quorum and requesting a quorum call.

The Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. The roll showed 53 members present; the Speaker ordered the absentees to be called.

At 8:07 p.m. the Speaker ordered the roll to be tallied:

T. Adams	■
Aguilera	■
Alderman	
Austin	■
Avery	
Ayres	
Bardon	■
Bauer	■
Becker	
Behning	
Bischoff	■
Borders	
Borror	
Bottorff	■
Bright	
C. Brown	■
T. Brown	
Buck	
Budak	
Buell	
Burton	
Cheney	■
Cherry	
Cochran	■
Crawford	■
Crooks	■
Davis	
Day	■
Denbo	■
Dickinson	■
Dobis	■
Dodge	
Duncan	
Dvorak	■
Espich	
Foley	
Friend	
Frizzell	
Fry	■
GiaQuinta	■
Goodin	■
Grubb	■
Gutwein	
E. Harris	■
T. Harris	
Heim	
Hinkle	
Hoffman	
Hoy	■
Kersey	■
Klinker	■
Koch	
Kromkowski	■
Kuzman	■
L. Lawson	■
Lehe	
Leonard	
J. Lutz	
Mahern	■
Mays	■
McClain	
Messer	
Micon	■
Moses	■
Murphy	
Neese	
Noe	
Orentlicher	■
Oxley	■
Pelath	
Pflum	■
Pierce	■
Pond	
Porter	■
Reske	■
Richardson	
Ripley	
Robertson	■
Ruppel	
Saunders	
J. Smith	
V. Smith	■
Stevenson	■
Stilwell	
Stutzman	
Summers	■
Thomas	
Thompson	
Tincher	■
Torr	
Turner	
Ulmer	
VanHaaften	■
Walorski	
Welch	■
Whetstone	
Wolkins	
Woodruff	
Yount	▲
Mr. Speaker	

Roll Call 232: 54 present; 1 excused; 45 absent. The Speaker announced a quorum was not in attendance. [NOTE: ▲ indicates those who were excused; ■ indicates those who were absent.]

Because of the lack of a quorum, the House recessed until the fall of the gavel.

## RECESS

The House reconvened at 8:30 p.m. with the Speaker in the Chair.

Representative Yount, who had been excused, was present.

## ENGROSSED HOUSE BILLS ON THIRD READING

Representative Pelath rose to a point of order suggesting the absence of a quorum and requesting a quorum call.

The Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. The roll showed 54 members present; the Speaker ordered the absentees to be called.

At 8:35 p.m. the Speaker ordered the roll to be tallied:

T. Adams <input type="checkbox"/>	Klinker <input type="checkbox"/>
Aguilera <input type="checkbox"/>	Koch
Alderman	Kromkowski <input type="checkbox"/>
Austin <input type="checkbox"/>	Kuzman <input type="checkbox"/>
Avery <input type="checkbox"/>	L. Lawson <input type="checkbox"/>
Ayres	Lehe
Bardon <input type="checkbox"/>	Leonard
Bauer <input type="checkbox"/>	J. Lutz
Becker	Mahern <input type="checkbox"/>
Behning	Mays <input type="checkbox"/>
Bischoff <input type="checkbox"/>	McClain
Borders	Messer
Borror	Micon <input type="checkbox"/>
Bottorff <input type="checkbox"/>	Moses <input type="checkbox"/>
Bright	Murphy
C. Brown <input type="checkbox"/>	Neese
T. Brown	Noe
Buck	Orentlicher <input type="checkbox"/>
Budak	Oxley <input type="checkbox"/>
Buell	Pelath
Burton	Pflum <input type="checkbox"/>
Cheney <input type="checkbox"/>	Pierce <input type="checkbox"/>
Cherry	Pond
Cochran <input type="checkbox"/>	Porter <input type="checkbox"/>
Crawford <input type="checkbox"/>	Reske <input type="checkbox"/>
Crooks <input type="checkbox"/>	Richardson
Davis	Ripley
Day <input type="checkbox"/>	Robertson <input type="checkbox"/>
Denbo <input type="checkbox"/>	Ruppel
Dickinson <input type="checkbox"/>	Saunders
Dobis	J. Smith
Dodge	V. Smith <input type="checkbox"/>
Duncan	Stevenson <input type="checkbox"/>
Dvorak <input type="checkbox"/>	Stilwell <input type="checkbox"/>
Espich	Stutzman
Foley	Summers <input type="checkbox"/>
Friend	Thomas
Frizzell	Thompson
Fry <input type="checkbox"/>	Tincher <input type="checkbox"/>
GiaQuinta <input type="checkbox"/>	Torr
Goodin <input type="checkbox"/>	Turner
Grubb <input type="checkbox"/>	Ulmer
Gutwein	VanHaaften <input type="checkbox"/>
E. Harris <input type="checkbox"/>	Walorski
T. Harris	Welch <input type="checkbox"/>
Heim	Whetstone
Hinkle	Wolkins
Hoffman	Woodruff
Hoy <input type="checkbox"/>	Yount
Kersey <input type="checkbox"/>	Mr. Speaker

Roll Call 233: 54 present; 46 absent. The Speaker announced a quorum was not in attendance. [NOTE: ☐ indicates those who were absent.]

Because of the lack of a quorum, the House recessed until the fall of the gavel.

## RECESS

The House reconvened at 9:05 p.m. with the Speaker in the Chair.

## ENGROSSED HOUSE BILLS ON THIRD READING

Representative Dobis rose to a point of order suggesting the absence of a quorum and requesting a quorum call.

The Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. The roll showed 55 members present; the Speaker ordered the absentees to be called.

The Speaker requested information from Representative Pierce concerning the anticipated length of the minority caucus. Representative Pierce reported some of the concerns of his caucus but did not give a time for their return to the floor.

At 9:30 p.m. the Speaker ordered the roll to be tallied:

T. Adams <input type="checkbox"/>	Klinker <input type="checkbox"/>
Aguilera <input type="checkbox"/>	Koch
Alderman	Kromkowski <input type="checkbox"/>
Austin <input type="checkbox"/>	Kuzman <input type="checkbox"/>
Avery <input type="checkbox"/>	L. Lawson <input type="checkbox"/>
Ayres	Lehe
Bardon <input type="checkbox"/>	Leonard
Bauer <input type="checkbox"/>	J. Lutz
Becker	Mahern <input type="checkbox"/>
Behning	Mays <input type="checkbox"/>
Bischoff <input type="checkbox"/>	McClain
Borders	Messer
Borror	Micon <input type="checkbox"/>
Bottorff <input type="checkbox"/>	Moses <input type="checkbox"/>
Bright	Murphy
C. Brown <input type="checkbox"/>	Neese
T. Brown	Noe
Buck	Orentlicher <input type="checkbox"/>
Budak	Oxley <input type="checkbox"/>
Buell	Pelath
Burton	Pflum <input type="checkbox"/>
Cheney <input type="checkbox"/>	Pierce
Cherry	Pond
Cochran <input type="checkbox"/>	Porter <input type="checkbox"/>
Crawford <input type="checkbox"/>	Reske <input type="checkbox"/>
Crooks <input type="checkbox"/>	Richardson
Davis	Ripley
Day <input type="checkbox"/>	Robertson <input type="checkbox"/>
Denbo <input type="checkbox"/>	Ruppel
Dickinson <input type="checkbox"/>	Saunders
Dobis	J. Smith
Dodge	V. Smith <input type="checkbox"/>
Duncan	Stevenson <input type="checkbox"/>
Dvorak <input type="checkbox"/>	Stilwell <input type="checkbox"/>
Espich	Stutzman
Foley	Summers <input type="checkbox"/>
Friend	Thomas
Frizzell	Thompson
Fry <input type="checkbox"/>	Tincher <input type="checkbox"/>
GiaQuinta <input type="checkbox"/>	Torr
Goodin <input type="checkbox"/>	Turner
Grubb <input type="checkbox"/>	Ulmer
Gutwein	VanHaaften <input type="checkbox"/>
E. Harris <input type="checkbox"/>	Walorski
T. Harris	Welch <input type="checkbox"/>
Heim	Whetstone
Hinkle	Wolkins
Hoffman	Woodruff
Hoy <input type="checkbox"/>	Yount
Kersey <input type="checkbox"/>	Mr. Speaker

Roll Call 234: 55 present; 45 absent. The Speaker announced a quorum was not in attendance. [NOTE: ☐ indicates those who were absent.]

Because of the lack of a quorum, the House recessed until the fall of the gavel.

## RECESS

The House reconvened at 10:05 p.m. with the Speaker in the Chair.

## ENGROSSED HOUSE BILLS ON THIRD READING

Representative Pelath rose to a point of order suggesting the absence of a quorum and requesting a quorum call.

The Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. The roll showed 55 members present; the Speaker ordered the absentees to be called.

The Speaker requested information from Representative VanHaaften concerning the anticipated length of the minority caucus. Representative VanHaaften reported some of the concerns of his caucus but did not give a time for their return to the floor.

At 11:07 p.m., the Speaker ordered the roll to be tallied:

T. Adams <input type="checkbox"/>	Duncan
Aguilera <input type="checkbox"/>	Dvorak
Alderman	Espich
Austin <input type="checkbox"/>	Foley
Avery <input type="checkbox"/>	Friend
Ayres	Frizzell
Bardon <input type="checkbox"/>	Fry <input type="checkbox"/>
Bauer <input type="checkbox"/>	GiaQuinta <input type="checkbox"/>
Becker	Goodin <input type="checkbox"/>
Behning	Grubb <input type="checkbox"/>
Bischoff <input type="checkbox"/>	Gutwein
Borders	E. Harris <input type="checkbox"/>
Borror	T. Harris
Bottorff <input type="checkbox"/>	Heim
Bright	Hinkle
C. Brown <input type="checkbox"/>	Hoffman
T. Brown	Hoy <input type="checkbox"/>
Buck	Kersey <input type="checkbox"/>
Budak	Klinker <input type="checkbox"/>
Buell	Koch
Burton	Kromkowski <input type="checkbox"/>
Cheney <input type="checkbox"/>	Kuzman <input type="checkbox"/>
Cherry	L. Lawson <input type="checkbox"/>
Cochran <input type="checkbox"/>	Lehe
Crawford <input type="checkbox"/>	Leonard
Crooks <input type="checkbox"/>	J. Lutz
Davis	Mahern <input type="checkbox"/>
Day <input type="checkbox"/>	Mays <input type="checkbox"/>
Denbo <input type="checkbox"/>	McClain
Dickinson <input type="checkbox"/>	Messer
Dobis	Micon <input type="checkbox"/>
Dodge	Moses <input type="checkbox"/>

Murphy	Stevenson <input type="checkbox"/>
Neese	Stilwell <input type="checkbox"/>
Noe	Stutzman
Orentlicher <input type="checkbox"/>	Summers <input type="checkbox"/>
Oxley <input type="checkbox"/>	Thomas
Pelath	Thompson
Pflum <input type="checkbox"/>	Tincher <input type="checkbox"/>
Pierce <input type="checkbox"/>	Torr
Pond	Turner
Porter <input type="checkbox"/>	Ulmer
Reske <input type="checkbox"/>	VanHaaften
Richardson	Walorski
Ripley	Welch <input type="checkbox"/>
Robertson <input type="checkbox"/>	Whetstone
Ruppel	Wolkins
Saunders	Woodruff
J. Smith	Yount
V. Smith <input type="checkbox"/>	Mr. Speaker

Roll Call 235: 56 present; 44 absent. The Speaker announced a quorum was not in attendance. [*NOTE: ☐ indicates those who were absent.*]

Because of the lack of a quorum, the House recessed until the fall of the gavel.

## RECESS

The House reconvened at 11:50 p.m. with the Speaker in the Chair.

The Speaker announced that the House would reconvene on Monday, March 7, 2005, at 1:30 p.m.

On the motion of Representative Friend, the House adjourned at 11:53 p.m., this first day of March, 2005, until Monday, March 7, 2005, at 1:30 p.m.

BRIAN C. BOSMA  
Speaker of the House of Representatives

M. CAROLINE SPOTTS  
Principal Clerk of the House of Representatives